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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT SEATTLE

11 LUIS VELASCO HERNANDEZ,

12 Petitioner,

13 v.  
14

15 MAGGIE MILLER STOUT,

16 Respondent.  
17

Case No. C11-261-JCC

ORDER OF DISMISSAL

18 The Court, after careful consideration of petitioner's 28 U.S.C. § 2254 petition for writ  
19 of habeas corpus, the Report and Recommendation of the Honorable James P. Donohue,  
20 Petitioner's objections (Dkt. No. 17), the governing authorities and the balance of the record,  
21 does hereby find and ORDER:

22 (1) In his Report and Recommendation, Magistrate Judge Donohue ruled  
23 that Petitioner's petition was time-barred. Petitioner disputes this conclusion, but fails to prove  
24 his assertion. Accordingly, the Court adopts the Report and Recommendation. (Dkt. No. 16.)

25 (2) The habeas petition is DENIED as untimely, and this case is DISMISSED with  
26 prejudice.

ORDER OF DISMISSAL  
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1           (3)     In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
2 United States District Courts, a certificate of appealability is DENIED with respect to the  
3 Court's determination that petitioner's habeas petition is untimely.

4           (4)     The Clerk is directed to send copies of this Order to petitioner, counsel for  
5 respondent and Judge Donohue.

6           DATED this 3rd day of November, 2011.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

JOHN C. COUGHENOUR  
United States District Judge